



## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Palumbo et al.

Serial No.: 10/750,362

Confirmation No.: 4922

Filed: December 31, 2003

For: METHOD AND SYSTEM FOR  
RECEIVING DIGITAL CONTENT  
USING A PREPAID DIGITAL  
CONTENT CARD

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Group Art Unit: Unknown

Examiner: Unknown

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING 37 CFR 1.8	
I hereby certify that this correspondence is being deposited on <u>10-27-2004</u> with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<u>10-27-2004</u> Date	 Signature

**PETITION FOR FILING OF PATENT APPLICATION**  
**WHEN ONE JOINT INVENTOR REFUSES TO EXECUTE**  
**PAPERS UNDER 37 C.F.R. § 1.47(a)**

This Petition is submitted pursuant to 37 CFR § 1.47(a) for the failure of one of the inventors, John Baross, to execute the Declaration and Assignment in connection with the above-identified application. An email dated June 23, 2004 attaching the Declaration and Assignment was sent to Mr. Baross. A letter dated August 27, 2004 to Mr. Baross, with the enclosure of the Declaration and Assignment, was delivered and signed for by Mr. Baross, a copy of the U.S. Post Office Tracking service is provided. A return address label was provided to Mr. Baross for his use in returning the documents, which has not been used as evidenced by the U.S. Post Office Tracking Service. Numerous telephone messages have been made to Mr. Baross' home telephone number but have not been returned. Despite numerous efforts to contact Mr. Baross, the non-signing inventor has failed to execute the Declaration and Assignment.

The last known address of the non-signing inventor, John Baross, is as follows:

126 Pleasant Grove Road  
Long Valley, NJ 07853-3444

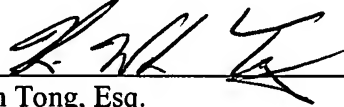
For the foregoing reasons, it is believed that sufficient basis has been established for filing this application absent John Baross' signature. Accordingly, granting of this Petition under 37 C.F.R. § 1.47(a) is respectfully requested.

11/01/2004 WASFAM 00000068 200782 10/750362

04 FC:1460 130.00 DA

The Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/ATT2003-0254 the fee of \$130.00 as required by 37 CFR § 1.17(h) in accordance with 37 CFR § 1.47(a).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Wah Tong', is written over a horizontal line.

Kin-Wah Tong, Esq.

Registration No. 39,400

MOSER, PATTERSON & SHERIDAN, L.L.P.

595 Shrewsbury Avenue

Shrewsbury, NJ 07701

Telephone: (732) 530-9404

Facsimile: (732) 530-9808

-----Original Message-----

From: BJackson@mpsllp.com

Sent: Jun 23, 2004 10:38 AM

To: johnbaross@earthlink.net

Subject: Patent Application for ATT 2003-0254

Dear Mr. BaRoss,

I am attaching herewith two documents which must be executed for filing with the above-identified patent application. They are the Declaration/Power of Attorney and Assignment. Please sign these documents in BLUE INK. The Assignment must be notarized and I have been informed that there are notaries at a credit union office or in the law division or a director's secretary. If you see an error in any of your information, you may correct it in blue ink and place your initials beside the correction. After they are signed, please return a copy of these documents via **facsimile** to me so that we can file the patent application with the Patent Office before the deadline of **JUNE 27, 2004**. Then return the original documents to me for the file. Thanks again for all your help with this matter.

I apologize for the short notice.

Many thanks,

Barbara

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Barbara J. Jackson  
Paralegal  
Moser, Patterson & Sheridan, LLP  
595 Shrewsbury Avenue  
Shrewsbury, NJ 07702  
voice (732) 530-9404, X1144  
fax (732) 530-9808  
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New Jersey--Texas--California

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SHERIDAN, LLP

ATTORNEYS AT LAW

EV3384015800S

August 27, 2004

Mr. John BaRoss  
16 Pleasant Grove Road  
Long Valley, NJ 07853-3444

Re: U.S. Patent Application No. 10/750,362  
Entitled: "METHOD AND SYSTEM FOR RECEIVING DIGITAL  
CONTENT USING A PREPAID DIGITAL CONTENT CARD"  
Our File: ATT 2003-0254

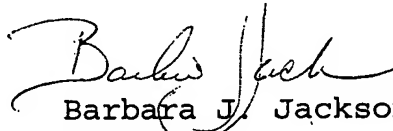
Dear Mr. BaRoss:

I am forwarding with this letter, additional copies of the Declaration and Power of Attorney, along with the Assignment, which is required for filing with the above-identified patent application.

The issue which you had previously brought to our attention concerning this matter has now been resolved. Our attorney, Mr. Kin-Wah Tong, has attempted to contact you several times to discuss the resolution but has been unable to reach you.

As this matter is now considered resolved, I would appreciate your signing, dating and returning these documents. I have provided a pre-paid Express Mail envelope for your use. If you still have any concern with regards to this matter, please call us at your earliest opportunity so that we can discuss the matter with you.

Very truly yours,

  
Barbara J. Jackson  
Paralegal

:bjj  
Enclosure

CC: Kin-Wah Tong, Esq.

350 Cambridge Ave, Suite 250  
Palo Alto, CA 94306-1550  
TEL 650.330.2310  
FAX 650.330.2314

595 Shrewsbury Ave, Suite 100  
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- ACCEPTANCE, August 27, 2004, 4:36 pm, SHREWSBURY, NJ 07702

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<b>FROM: (PLEASE PRINT)</b> MOSER PATTERSON & SHERIDAN LLP 595 SHREWSBURY AVE STE 100 SHREWSBURY NJ 07702-4158				<b>TO: (PLEASE PRINT)</b> Kin Wan Tong, Esq Moser Patterson + Sheridan LLP 595 Shrewsbury Ave Suite 100 Shrewsbury, NJ 07702			
ATT-2003-0254				PHONE			

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